

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: :
:
Exceptional Innovation, Inc. : Case No.: **19-50766**
: Chapter: 7
Debtor. : Judge: John E. Hoffman, Jr.
:
:

TRUSTEE'S ABANDONMENT OF ALL BUSINESS ASSETS

Deutsche Bank Trust Company Americas, as Security Agent ("DBTCA"), pursuant to that certain Facility Agreement dated June 30, 2015, has requested abandonment of all business assets of Exceptional Innovation, Inc. ("Debtor"). Christal Caudill, Trustee, pursuant to Bankruptcy Rule 6007 and Local Bankruptcy Rule 6007-1(b) hereby gives notice of abandonment of all of the business assets now owned by Debtor, including, but not limited to, all assets described in the attached Appendix ("Collateral").

After investigation, the Trustee has concluded that the Collateral is over burdened with liens in favor of DBTCA to secure an indebtedness in excess of U.S. \$12,000,000.00. Moreover, the Collateral is burdensome because of the cost to the estate of maintenance, insurance and storage of the Collateral.

No party in interest, before the conclusion of the 341 meeting, has filed a request for further notice of abandonment nor has further notice been ordered by the Court.

WHEREFORE, the Trustee abandons the Collateral, effective on the filing hereof.

/s/ Christal Caudill (per written authorization)
Christal Caudill, Trustee
3757 Attucks Drive
Powell, Ohio 43065

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2019 a copy of the foregoing *Trustee's Abandonment of all Business Assets* was served electronically through the Court's ECF System on all ECF participants registered in this case at the email address registered with the court.

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|------------------------|--|
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I further certify that a copy of the foregoing *Trustee's Abandonment of all Business Assets* was served by First-Class Mail, postage prepaid to:

Exceptional Innovation, Inc.
480 Olde Worthington Road, Suite 350
Westerville, OH 43082

/s/ Jonathan S. Hawkins, Esq.
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as Security Agent*

Appendix

Trustee's Abandonment of Assets of
Exceptional Innovations, Inc.
Case No. 19-50766

All of the following property now owned by Exceptional Innovations, Inc., ("Debtor") or in which Debtor now has or at any time in the future may acquire any right, title or interest, including but not limited to the following (collectively "Collateral"):

- (a) all accounts, chattel paper, deposit accounts, documents (as defined in the UCC), equipment (including all located at 480 Old Worthington Rd., Westerville, Ohio 43082 and/or at Metro Data Center, 565 Metro Place South, Dublin, Ohio 43017), general intangibles (including all scheduled and unscheduled executory contracts), instruments, inventory (including all raw materials and finished goods inventory located at 2300 Citygate Dr., Columbus, OH 43219), investment property, letter of credit rights and any supporting obligations related to any of the foregoing;
- (b) all books and records pertaining to the other property described herein as Collateral;
- (c) all property of Debtor in the custody of or in transit to DBTCA ("Secured Party") for any purpose, including safekeeping, collection or pledge, for the account of such Debtor or as to which such Debtor may have any right or power, including but not limited to cash;
- (d) all other goods (including but not limited to fixtures) and (ii) personal property of such Debtor, whether tangible or intangible and wherever located; and
- (e) all of Debtor's patents providing for the grant by or to such Debtor of any right under any patent, including, without limitation those referred to on Schedule I hereto; all reissues, reexaminations, continuations, continuations in part, divisional, renewals and extensions of the foregoing, and all income, royalties, proceeds and liabilities at any time due or payable or asserted under an with respect to any of the foregoing, including, without limitation, all rights to sue and recover at law or in equity for any past, present and future infringement, misappropriation, dilution, violation or other impairment thereof
- (f) all of Debtor's trademarks providing for the grant by or to such Debtor of any right under any trademark, including, without limitation, those referred to on Schedule II hereto; all renewals and extensions of the foregoing; all goodwill of the business connected with the use of, and symbolized by, each such trademark; and all income, royalties, proceeds and liabilities at any time due or payable or asserted under and with respect to any of the foregoing, including, without limitation, all rights to sue and recover at law or in equity for any past, present and future infringement, misappropriation, dilution, violation or other impairment thereof; and
- (g) all products and proceeds of any or all of the foregoing.